IN THE HIGH COURT OF JUDICATURE AT PATNA
G. APP. (DB) No.22 of 2008
THE STATE OF BIHAR
Versus
DAYA NAND YADAV & ORS
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5 11.8.2008 Heard learned counsel for the appellant and perused the judgment under appeal by which the trial court has acquitted all the 11 respondents of charges under sections 364, 302/34 and 201 of the Indian Penal Code.

It appears from the judgment and submissions that there is no eye witness of the alleged occurrence as the parties were having serious enmity from before and several cases were pending. In the circumstances, lack of any witness from the concerned village to have seen the accused persons going with the deceased and improbability of the accused going with his enmities all by himself and the delay of three days in lodging the FIR taken together show that the trial court has rightly doubted the prosecution case and has held that chain of circumstances is incomplete.

In the facts of the case, this appeal to grant leave to appeal is dismissed.

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(Shiva Kirti Singh,J)

(M.Saran,J)

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